

1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE DISTRICT OF PUERTO RICO**

3  
4           UNITED STATES OF AMERICA  
          Plaintiff

5                                   v.

6           JACINTO REYNOSO HERNANDEZ  
7           Defendant

**CRIMINAL NO. 05-316(JAG)**

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9                                   **REPORT AND RECOMMENDATION**

10           On this date defendant appeared before the undersigned to plea guilty to Counts I and II of  
11 the indictment charging him with violating 21 U.S.C. §§ 841 and 952, to wit, possession with intent  
12 to distribute and importation of heroin. Defendant was represented by AFPD Rafael Andrade.. The  
13 government was represented by AUSA Myriam Fernández González. The parties duly executed a  
14 consent form permitting the undersigned to take defendant's plea, which was a straight one.

15           Upon observing defendant throughout the proceeding, as well as listening to his answers to  
16 the multiple questions posed by the Court, the undersigned finds him competent to enter a knowing  
17 and voluntary plea. More so, defendant acknowledged he was not coerced nor intimidated into  
18 entering the plea. Defendant was advised at the hearing of the minimum and maximum statutory  
19 penalties and fines he faces. He was also informed in what circumstances he could receive a  
20 sentence below the statutory minimum of five (5) years. In addition, defendant was informed that  
21 the Sentencing Guidelines are advisory. The undersigned also advised defendant of the  
22 constitutional rights he waives by entering a guilty plea.

23           Upon inquiry by the Court, defendant accepted all the elements of the offense outlined in  
24 Counts I and II of the indictment and that he acted knowingly and intentionally during the  
25 commission of the offenses.

26           It is thus recommended by the undersigned that defendant's guilty plea be accepted, and  
27 sentence be imposed upon him accordingly.

28           This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).

1 **CRIMINAL CASE NO.05-316 (JAG)** 2

2 **SO RECOMMENDED.**

3 In San Juan, Puerto Rico, this 29<sup>th</sup> of November, 2005

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5  
6 */s/ Gustavo A. Gelpi*

7 **GUSTAVO A. GELPI**  
8 United States Magistrate-Judge  
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